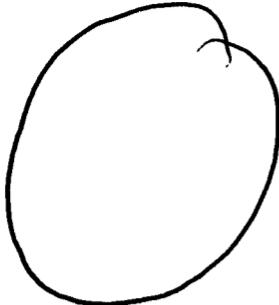


MB

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT



No. 10-4085

FREE SPEECH COALITION, INC.; AMERICAN SOCIETY OF MEDIA  
PHOTOGRAPHERS, INC.; MICHAEL BARONE; DAVID CONNERS  
a/k/a DAVE CUMMINGS; THOMAS HYMES;  
TOWNSEND ENTERPRISES, INC. d/b/a SINCLAIR INSTITUTE;  
C1R DISTRIBUTION, LLC d/b/a CHANNEL 1 RELEASING; BARBARA ALPER;  
CAROL QUEEN; BARBARA NITKE; DAVID STEINBERG;  
MARIE L. LEVINE a/k/a NINA HARTLEY; DAVE LEVINGSTON;  
BETTY DODSON; CARLIN ROSS

**FILED**


v.

JUN - 7 2012

ATTORNEY GENERAL OF THE UNITED STATES

MICHAEL E. KUNZ, Clerk  
By  Dep. Clerk

Free Speech Coalition, Inc.; American Society of Media  
Photographers, Inc.; Michael Barone; David Connors a/k/a Dave Cummings;  
Thomas Hymes; Townsend Enterprises, Inc. d/b/a Sinclair Institute;  
Barbara Alper; Carol Queen; Barbara Nitke; David Steinberg;  
Marie L. Levine a/k/a Nina Hartley; Dave Levingston; Betty Dodson;  
Carlin Ross,  
Appellants

On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(District Court No. 2-09-cv-04607)   
District Judge: The Honorable Michael M. Baylson

Argued January 11, 2012

Before: SCIRICA, RENDELL, and SMITH, *Circuit Judges*

---

JUDGMENT

---

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was argued on January 11, 2012.

On consideration whereof, it is now hereby

ADJUDGED and ORDERED that the judgment of the District Court entered September 17, 2010, be and the same is hereby: VACATED as to Count 1 in its entirety; VACATED as to Count 4 in its entirety; VACATED as to Count 6 to the extent that it asserts a right to injunctive relief for asserted violations of the First Amendment or Fourth Amendment; VACATED as to its denial of plaintiffs' motion for leave to amend their complaint; AFFIRMED in all other respects; and REMANDED for further proceedings. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

DATED: 16 April 2012

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, with a central section containing a constellation of stars. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.  
Certified ~~as a true copy~~ and issued in lieu  
of a formal mandate on 7 June 2012

Teste: Marcia M. Waldron  
Clerk, U.S. Court of Appeals for the Third Circuit